

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-94 (JNE/TNL)

Plaintiff,

v.

ORDER

Danny Francisco Copeland,

Defendant.

This matter comes before the Court on Defendant Danny Francisco Copeland's Motion for Extension of Time to File Motions and to Exclude Time Under the Speedy Trial Act, ECF No. 36. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 37.

Defendant requests an extension of time to file pretrial motions and a continuance of the January 25, 2024 motions hearing and related deadlines. Defendant states that a review of discovery has revealed that some "records were inadvertently not disclosed" by the Government. ECF No. 36 at 1. These records were subsequently disclosed on December 29, 2023, but defense counsel will not have sufficient time to review them before the current motions-filing deadline of January 4. Additionally, "voluminous electronic evidence" is in the process of being transferred to a hard drive provided by Defendant. ECF No. 36 at 1. It is expected that the hard drive with this evidence will be produced to Defendant during the first week of January.

Defendant requests that the motions-filing deadline be continued to February 5; the deadline for responses to motions and notices of intent to call witnesses be continued to February 12; the deadline for responsive notices of intent to call witnesses be continued to February 16, and the motions hearing taken place on February 26. Defendant “has spoken with the Government and they have no objection to the extension of times and moving of the dates.” ECF No. 36 at 3.

Pursuant to 18 U.S.C. § 3161(h), the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties’ resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant’s Motion for Extension of Time to File Motions and to Exclude Time Under the Speedy Trial Act, ECF No. 36, is **GRANTED**.

2. The period of time from **the date of this Order through February 5, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **February 5, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel shall electronically file a letter on or before February 5, 2024, if no motions will be filed and there is no need for a hearing.**

5. All responses to motions shall be filed by **February 12, 2024**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **February 12, 2024**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **February 16, 2024**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **February 26, 2024, at 1:30 p.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Joan N. Ericksen on or before *a date to be determined*.

This case must commence trial on *a date to be determined* before District Judge Joan N. Ericksen in Courtroom 12W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Ericksen to confirm the new trial date.**

Dated: January 4, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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